

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FRIENDS OF THE PARKS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 14-CV-9096
)	Judge John W. Darrah
CHICAGO PARK DISTRICT, et al.,)	
)	
Defendants.)	

DEFENDANTS' UNOPPOSED MOTION TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants City of Chicago (the “City”) and Chicago Park District (the “Park District”) hereby move the Court to dismiss all claims in this action without prejudice and without costs. In support of this unopposed motion, Defendants state as follows:

1. On October 2, 2015, Plaintiffs filed their First Amended Complaint challenging the Ground Lease (“Ground Lease”) between the Park District and the Lucas Museum of Narrative Art (“LMNA” or “Museum”), which provides for the Museum to be constructed on the parking lot south of Soldier Field (the “South Lot Site”).

2. On June 29, 2016, LMNA terminated the Ground Lease. (*See* Ex. A, Letter of Termination). This litigation is thus moot.

3. It is Defendants’ understanding that LMNA does not intend to renew plans for a Museum on the South Lot Site or any other location in Chicago.

4. A federal court only has subject matter jurisdiction where there is an actual, ongoing case or controversy between the parties. *Lewis v. Cont'l Bank Corp.*, 494 U.S. 472, 477–78 (1990). If a controversy is moot, then the Court lacks subject matter jurisdiction over the

action. *Church of Scientology v. United States*, 506 U.S. 9, 12 (1992). Federal courts have “no authority ‘to give opinions upon moot questions or abstract propositions, or to declare principles or rules of law which cannot affect the matter in issue in the case[s] before [them].’” *Id.* (quoting *Mills v. Green*, 159 U.S. 651, 653 (1895)).

5. Defendants’ counsel has spoken to Plaintiffs’ counsel, and Plaintiffs do not oppose this Motion.

WHEREFORE, Defendants respectfully request that the Court enter an order dismissing Plaintiffs’ claims in this action without prejudice, with each party to bear its own costs, expenses, and attorney fees as to the dismissed claims.

Dated: August 1, 2016

Respectfully submitted,

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